

THE HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STRIKE 3 HOLDINGS, LLC, a Delaware
corporation,

Plaintiff,

vs.

JOHN DOE, subscriber assigned IP
address 73.225.38.130,

Defendant.

JOHN DOE subscriber assigned IP
address 73.225.38.130,

Counterclaimant,

vs.

STRIKE 3 HOLDINGS, LLC,

Counterdefendant.

NO. 2:17-cv-01731-TSZ

**DECLARATION OF MICHAEL
YASUMOTO IN SUPPORT OF
DEFENDANT'S SUPPLEMENTAL
REPLY ON SUMMARY JUDGMENT**

I, Michael Yasumoto, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. I am an expert in the field of digital forensics and have been retained as an expert on hundreds of occasions. I have been designated as an Expert Witness in this case.

DECLARATION OF MICHAEL YASUMOTO IN
SUPPORT OF DEFENDANT'S SUPPLEMENTAL REPLY
ON SUMMARY JUDGMENT - 1
CASE No. 2:17-cv-01731-TSZ

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1 3. On every occasion that I have provided expert services in cases involving the
2 use of peer-to-peer networks, I have been asked to examine a storage device for files that are
3 associated with specific file hashes or complete file paths.

4 4. The term “hash” refers to the use of a mathematical “hash function” using a file,
5 text, or any other data as input. One type of “hash function” is a “SHA1 hash”. The SHA1
6 algorithm outputs a 40-character hexadecimal value such as the ones listed in Exhibit A to the
7 Complaint (data in the “Hash” column).

8 5. A “file hash” using the SHA1 algorithm is a 40-character hexadecimal value
9 derived from a file supplied as input. It can be used to uniquely identify a file and acts like a
10 digital fingerprint.

11 6. When the file hash of a file located on storage media matches the hash of a
12 reference file, the file hash can be considered evidence of infringed works (in the copyright
13 context) or contraband (in the criminal context). For this reason, it is best practice in computer
14 forensics to calculate the hashes of the files on a storage device and then compare them against
15 a target set when looking for evidence of infringed works or contraband. For cases involving
16 contraband (e.g. child pornography), use of file hashes to determine if a file is contraband is
17 preferable, since comparing hashes is an automated process as opposed to examining all of the
18 files individually.

19 7. While the Complaint describes several types of hashes, it only references file
20 hashes when talking about Strike 3’s calculation of specific hashes. Specifically, “A full copy
21 of each digital media file was downloaded from the BitTorrent file distribution network, and it
22 was confirmed through independent calculation that the file hash correlating to each file
23 matched the file hash downloaded by Defendant.” *See* Dkt. No. 1 at ¶ 26.

24 8. Exhibit A to the Complaint includes a column titled “Hash”. The data contained
25 in the “Hash” column is the only reference in the Complaint to individual defined hash values.
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11. It is not the common practice in digital forensics to search for “Info-hashes” when the generic term “hash” is used. An unqualified use of the term “hash” when referring to files would almost always mean a hash of the file itself.

EXECUTED at Beaverton, Oregon, this 1st day of November 2019.

Michael Yasumoto
Michael Yasumoto

CERTIFICATE OF SERVICE

I, Adrienne D. McEntee, hereby certify that on November 1, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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13 *International UG, Bunting Digital Forensics, LLC, Stephen M. Bunting*

14 DATED this 1st day of November, 2019.

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